

AMENDED IN ASSEMBLY JULY 6, 2009

AMENDED IN SENATE MAY 5, 2009

AMENDED IN SENATE APRIL 2, 2009

SENATE BILL

No. 141

Introduced by Senator Maldonado
(Coauthor: Senator Benoit)
(Coauthor: Assembly Member Tom Berryhill)

February 11, 2009

An act to add Section 12301.25 to the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

SB 141, as amended, Maldonado. In-home supportive services: provider timesheets.

Existing law provides for the county-administered In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons are provided with services in order to permit them to remain in their own homes and avoid institutionalization. Existing law permits services to be provided under the IHSS program either through the employment of individual providers, a contract between the county and an entity for the provision of services, the creation by the county of a public authority, or a contract between the county and a nonprofit consortium.

Under existing law, the State Department of Social Services is required, in consultation and coordination with county welfare departments, to establish and implement statewide hourly task guidelines and instructions to provide counties with a standard tool for consistently

and accurately assessing service needs and authorizing service hours to meet those needs.

This bill would require the standardized provider timesheet used to track the work performed by providers of services under this chapter to contain a legal certification, to be signed by the provider and recipient, verifying that the information provided in the timesheet is true and correct. ~~A person who willfully and knowingly provides false information under the bill would be subject to a specified civil penalty~~ *The bill would authorize, in addition to other criminal penalties, the imposition of a specified civil penalty against a person who is convicted of fraud, as defined, resulting from intentional deception or misrepresentation in the provision of timesheet information under the IHSS program.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12301.25 is added to the Welfare and
2 Institutions Code, to read:
3 12301.25. (a) Notwithstanding any other provision of law, the
4 standardized provider timesheet used to track the work performed
5 by providers of services under this article shall contain a legal
6 certification, to be signed by the provider and recipient, verifying
7 that the information provided in the timesheet is true and correct.
8 ~~(b) A person who willfully and knowingly provides false~~
9 ~~information under this section shall be subject to a civil penalty~~
10 ~~of at least five hundred dollars (\$500), but not to exceed one~~
11 ~~thousand dollars (\$1,000), for each violation. An action for a civil~~
12 ~~penalty under this section may be brought by any public prosecutor~~
13 ~~in the name of the people of the State of California, and the penalty~~
14 ~~shall be enforceable as a civil judgment.~~
15 *(b) A person who is convicted of fraud, as defined in subdivision*
16 *(a) of Section 12305.8, resulting from intentional deception or*
17 *misrepresentation in the provision of timesheet information under*
18 *this section, in addition to any criminal penalties imposed, shall*
19 *be subject to a civil penalty of at least five hundred dollars (\$500),*
20 *but not to exceed one thousand dollars (\$1,000), for each violation.*

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